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FOR AF/S AND DRL

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SUBJECT: MFA PROTESTS EMBASSY COMMENTS IN THE PRESS

REF: LUSAKA 552

Classified By: Ambassador Donald E. Booth, reasons 1.4, b/d.

11. (C) MFA Permanent Secretary Tens Kapoma called in the Ambassador August 14 to protest an Emboff's remarks reported by the opposition "Post" newspaper on August 11 that were critical of the GRZ's proposed NGO Bill. The Post accurately quoted Emboff as saying we believe the NGO Bill is unnecessary but inaccurately twisted Emboff's comments in a way that implied the USG does not provide budget assistance to the GRZ because the GRZ is untrustworthy. Kapoma asserted that, as long as the NGO Bill was under consideration by parliament, it is an "internal" matter and said it is inconsistent with the Vienna Convention for foreign diplomats to interfere in internal matters. He furthermore noted that publicly criticizing the GRZ, especially on its home turf, was inconsistent with Emboff's diplomatic status. Kapoma noted several times that MFA, being responsible for the safety of diplomats, would not want criticism or harm to come to any foreign embassy in Lusaka and thus diplomats need to avoid publicly criticizing government and arousing passions. (Comment: While politely put, it was hard to see this as anything other than a veiled threat.)

12. (C) Ambassador responded in return: 1) Emboff had been speaking to a student group without knowledge journalists were present; 2) remarks about funding were inaccurate; 3) diplomats have a right to talk to the press; 4) the proposed NGO Bill would have an impact on U.S. NGOs and on U.S. interests and therefore it is not strictly an internal matter and 5) the apparent growing pattern of GRZ efforts to curtail free speech (citing the recent expulsion of the Amcit working for a U.S. NGO for criticizing a Deputy Minister in her blog) was disconcerting. Kapoma asserted that the GRZ fully respects freedom of speech and echoed FM Pande's comparison of Zambia's press freedom record to that of The Gambia (reftel)! He also reminded Ambassador that Zambia's democracy is only 45 years old and thus more fragile than America's, another Pande argument. Kapoma said diplomats were free to speak to the press as long as they are mindful of to whom, when, how and on which subjects they speak. Ambassador concluded saying the two sides would have to agree to disagree on engagement with the press and that we would continue to speak out where we believe it is in our interest to do so.

13. (C) The extent to which Kapoma was just delivering the mail on behalf of Pande is unclear, although the indirect threats certainly lent a weightiness to the discussion. Although some of Kapoma's arguments were almost verbatim from Pande's reftel cultural relativism discussion two weeks previously, the Ambassador has picked up the similar themes from other ministers as well (septels). The cabinet is clearly discussing these issues. We will continue to advocate for freedom of speech and press in Zambia in order to persuade the GRZ that nurturing Zambia's democracy requires healthy debate, not smothering.

BOOTH